



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 04-109

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

1. Statutory Authority

a. Current law requires an applicant for a dentistry license to submit evidence satisfactory to the Dentistry Examining Board that the applicant has graduated from a dental school accredited by the American Dental Association Commission on Dental Accreditation (or its successor agency). [ss. 447.04 (1) (a) 3. and 447.01 (1), Stats.] Presumably, the proposed rule defines “dental school” for the purpose of s. 447.04 (1) (a) 3., Stats. The rule qualifies its definition of “dental school” as one “approved by the board.” That can be read as authorizing the board not to approve a dental school accredited by the American Dental Association Commission on Dental Accreditation. Is that the intent? If so, is there authority for the board to do so? Additionally, if the class of dental schools accredited by the American Dental Association Commission on Dental Accreditation is larger than the class of dental schools that would be accredited under the definition of the rule (regardless of examining board approval), then authority issues also are raised.

2. Form, Style and Placement in Administrative Code

a. The April 13, 2004 memo from the Director of the Wisconsin Legislative Council Rules Clearinghouse regarding new rule-making requirements imposed by 2003 Wisconsin Acts 118 and 145 suggests, on page 2, a format for an analysis that prefaces a rule. The format lists 13 statutorily required items. The preface of this rule should be compared to the list of items to determine which items have yet to be completed.

b. In the statement of statutes interpreted, the correct citation is “s. 447.04 (1) (a) 3., Stats.”

c. By making the rule a definition, the purpose of the rule in the context of existing Dentistry Examining Board rules is unclear. For example, the term “dental school” is used in s. DE 2.01 (1) (e) only in reference to foreign dental schools. Elsewhere in current rules the use of the term “dental school” is limited: see ss. DE 2.015 (2) (b) and 11.03 (1). The use of the definition in the latter context may not be intended. Furthermore, the term “school of dentistry” appears several times in current rules possibly causing additional confusion. Consideration should be given to revising the format and placement of the rule for clarity.

d. The department’s analysis fails to explain the need for the rule and how it differs from current laws and practice.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In addition to the above comments relating to clarity, it is noted that the rule does not provide criteria for Dentistry Examining Board “approval” of a dental school.